

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

EGENERA, INC.,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

Civil Action No. 1:16-cv-11613-RGS

JURY TRIAL DEMANDED

**DEFENDANT CISCO SYSTEMS, INC.'S MOTION FOR SUMMARY JUDGMENT OF  
INVALIDITY OF U.S. PATENT NO. 7,231,430**

Defendant Cisco Systems, Inc. ("Cisco") respectfully moves the Court for an order granting summary judgment of invalidity of U.S. Patent No. 7,231,430 (the "'430 Patent"). The '430 Patent is invalid under 35. U.S.C. §102(f) because it omits inventor Peter Schuler.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(d), Cisco requests oral argument on this motion.

**LOCAL RULE 7.1(a)(2) CERTIFICATION**

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that counsel for Cisco conferred with counsel for Egenera in a good faith effort to resolve or narrow the issues raised in this motion.

Dated: August 8, 2018

By: /s/ Michael R. Rhodes

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 8, 2018, the foregoing **DEFENDANT CISCO SYSTEMS, INC.'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF U.S. PATENT NO. 7,231,430** was served via the Court's ECF system, and any sealed copies were delivered to opposing counsel.

/s/ John W. Moran

John W. Moran